

AO 91 (Rev. 02/09) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

UNITED STATES DISTRICT COURT

for the  
Southern District of Texas

MAY 28 2015

Clerk of Court

United States of America  
v.

Irving Efrain TAPIA  
YOB: 1988  
COB: Mexico

Defendant

Case No. M-15-0850-M

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of May 27, 2015 in the county of Hidalgo in the Southern District of  
Texas, the defendant violated 18 U.S.C. § USC 922(g)(5),

an offense described as follows:

The defendant, knowingly and unlawfully, being an alien, illegally or unlawfully in the United States; or admitted into the United States under a nonimmigrant visa, shipped or transported in interstate or foreign commerce, or possessed in or affecting commerce of one (1) firearm, Supertitan .32 caliber auto pistol, serial number S01192 and 10 rounds of .32 caliber ammunition.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved  
Joseph Leonard

  
Complainant's signature

Hector Berlanga, HSI Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: May 28, 2015

  
Judge's signature

City and state: McAllen, Texas

Dorina Ramos, U.S. Magistrate Judge  
Printed name and title

## ATTACHMENT A

On May 27, 2015, at approximately 3:00pm, Pharr Police Department K-9 Officer approached a black Dodge Journey bearing Texas plates (TXLPs) BDL6181, operated by Irving Efrain TAPIA, at or near 401 North Jackson in Pharr, Texas. During the approach, the officer conducted a consensual interview of TAPIA, the sole occupant and operator of the vehicle. After a brief exchange the Pharr PD K-9 officer noticed the smell of marijuana emanating from the vehicle operated by TAPIA. At this time TAPIA stated he was in possession of a small amount of marijuana and then attempted to reach for a knife on his person. During a brief struggle, the knife was taken from TAPIA and secured by Pharr PD K-9 officer. At this time TAPIA made a reaching motion for the center console area of his vehicle, again a brief struggle occurred between TAPIA and Pharr PD K-9 officer which resulted in TAPIA being taken into custody. A subsequent consent search of the vehicle revealed one (1) .32 caliber pistol, inside a small bag near the center console.

An interview of TAPIA by Pharr PD officers revealed that TAPIA was contracted to transport a small amount of marijuana to or near 401 North Jackson in Pharr, Texas, and meet with an unknown person who would then take the marijuana from TAPIA.

On this same date, Pharr PD requested the assistance of Homeland Security Investigations (HSI) based on statements made by TAPIA. HSI Special Agent (SA) Edgar Figueroa responded to the Pharr PD station and conducted an interview of TAPIA. HSI agent Figueroa determined that TAPIA is Mexican national who is present in the United States without admission or parole.

On this same date HSI agent Figueroa along with Pharr PD officers conducted an interview of TAPIA. TAPIA was read his Miranda rights by SA Figueroa in the Spanish language and voluntarily agreed to give a statement without the presence of an attorney. TAPIA stated persons known to him asked TAPIA if he could transport the marijuana to persons unknown. Persons known provided TAPIA the marijuana and location to meet an unknown person, where TAPIA would then turn over the marijuana to the unknown individual. TAPIA was also asked regarding a .32 caliber pistol found in the vehicle operated by TAPIA. TAPIA stated the gun was his and further stated he received the gun as payment for services rendered to an unknown individual about half a year ago.

An inspection of the pistol displayed the following indicators:  
Super Titan .32 caliber; country of manufacture is listed as Italy;